

NOTICE OF AGENCY RULE-MAKING PROPOSAL

AGENCY: Agriculture, Food and Rural Resources, Board of Pesticides Control

RULE TITLE OR SUBJECT: Board of Pesticides Control Rules:

Amendment to Chapter 10 - Definitions and Terms

Amendment to Chapter 22 – Standards for Outdoor Application by Powered Equipment

Amendment to Chapter 24 - Pesticide Storage Facility Standards/Pesticide Distributors

Amendment to Chapter 32 - Certification & Licensing Provisions/Private Applicators

Amendment to Chapter 50 - Record Keeping & Reporting Requirements

PROPOSED RULE NUMBER:

CONCISE SUMMARY: The Board is proposing a series of housekeeping amendments to make minor changes to these five chapters as follows: (1) to amend Ch. 10 to incorporate a previously adopted policy clarifying whether a private or commercial applicator's license is needed when crops are grown on rented land; clarify it is illegal for any person to offer free samples of unregistered pesticides; clarify that medical and school staff do not need to be licensed to apply insect repellants to children or patients unable to do it themselves; to add the definition of pesticide and to add other definitions related to the applicator certification plan; (2) to amend Ch. 22 to delete the obsolete organic tolerance reference and change it to the current USDA standard; (3) to amend Ch. 24 to clarify the operation of the standard door and its panic hardware; to incorporate a previously adopted policy prohibiting the storage of pesticides above food or animal feed; to incorporate the Board's policy regarding the format of signs in the self-service area; (4) to amend Ch. 32 to incorporate a longstanding policy that a private applicator must renew his/her license within one year of the expiration date; and (5) to amend Ch. 50 to incorporate a previously adopted policy clarifying that applicators must keep their records current by recording all the required information on the same day the application is performed and to clarify that the records must be maintained at the primary place of business.

THIS RULE WILL__ WILL NOT X HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 5 M.R.S.A., § 8051 et seq., 7 M.R.S.A., §§ 601-625 and 22 M.R.S.A., §§ 1471-A-X.

PUBLIC HEARING: None scheduled but may be requested by writing to the contact person.

DEADLINE FOR COMMENTS: 4:00 P.M. on Monday, December 6, 2004

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